



# Town of New Windsor

OFFICE OF THE PLANNING BOARD  
WEDNESDAY — SEPTEMBER 28, 2005 - 7:30 PM  
TENTATIVE AGENDA

## CALL TO ORDER

APPROVAL OF MINUTES DATED: AUGUST 24, 2005

## ANNUAL MOBILE HOME PARK:

- A. WINDSOR ENT. MOBILE HOME PARK – CAESAR'S LANE

## ZBA REFERRAL:

1. **CAR CARE BY C&N (05-30) LITTLE BRITAIN ROAD (CUOMO)**  
Proposed auto sales at existing auto repair shop location.
2. **JOHN PIZZO SITE PLAN (05-32) TEMPLE HILL ROAD & LITTLE BRITAIN ROAD (CUOMO)**  
Proposed Office building.

## DISCUSSION:

3. **RPA – LANDSCAPING PLAN**
4. **MEADOWBROOK ESTATES (01-42)**

## REGULAR ITEMS:

5. **BRIARWOOD SUBDIVISION (01-60) MT. AIRY ROAD (DI NARDO)**  
Proposed 42-lot residential subdivision.
6. **A&J WASHROOMS (05-31) RT. 300 (SHAW)** Proposed 8,400 s.f. addition to existing building.
7. **PIARIA SITE PLAN (05-27) SILVER STREAM ROAD (SHAW)** Proposed construction of 9,800 sf building along with a 5,180 sf truck canopy and 22 parking spaces.
8. **SHADY DELL SUBDIVISION (05-13) MT. AIRY ROAD (CUOMO)**  
Proposed 4-lot residential subdivision.

## PRESUBMISSION:

9. **SESAME ESTATES – MT. AIRY ROAD (KRAHULIK)**
10. **BCM SITE PLAN – MT. AIRY ROAD (BERGMAN)**

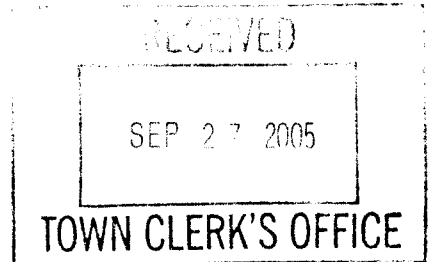
## CORRESPONDENCE:

11. **RANJIV SALLY (05-04) UNION AVENUE – REQUEST FOR EXTENSION OF CONDITIONAL APPROVAL**
12. **AMERADA HESS SITE PLAN – LETTER REQUESTING PUBLIC HEARING**

## ADJOURNMENT

(NEXT MEETING – OCTOBER 12, 2005)

## ROLL CALL



September 28, 2005

1

TOWN OF NEW WINDSOR

PLANNING BOARD

SEPTEMBER 28, 2005

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN  
JERRY ARGENIO  
THOMAS KARNAVEZOS  
JOSEPH MINUTA  
DANIEL GALLAGHER

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MYRA MASON  
PLANNING BOARD SECRETARY

ABSENT: ERIC MASON  
NEIL SCHLESINGER

MICHAEL BABCOCK  
BUILDING INSPECTOR

REGULAR MEETING

---

MR. PETRO: I'd like to call the September 28, 2005 meeting of the New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

September 28, 2005

2

APPROVAL\_OF\_MINUTES\_DATED\_AUGUST\_24,\_2005

---

MR. PETRO: Approval of the minutes dated August 24, 2005.

MR. ARGENIO: I'll make a motion we accept the minutes.

MR. MINUTA: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the minutes as written. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

September 28, 2005

3

ANNUAL\_MOBILE\_HOME\_PARK:

\_\_\_\_\_

WINDSOR\_ENTERPRISES\_MOBILE\_HOME\_PARK

\_\_\_\_\_

MR. PETRO: Annual mobile home park, Windsor  
Enterprise, I can see that he's not here yet so we'll  
table that until he gets here.

September 28, 2005

4

ZBA\_REFERRAL:

CAR\_CARE\_BY\_C\_&\_N\_(05-32)

Mr. Paul Cuomo appeared before the board for this proposal.

MR. PETRO: Number 1, ZBA referral, Car Care by C & N on Little Britain Road represented by Paul Cuomo. Proposed auto sales and existing auto repair shop. Plan was previously granted a site plan amendment to this sometime ago at I guess it looks like 3/11/04 and that was for various buildings and additions on site. The plan refers to previous conditional use approval for auto repair granted by the Town of New Windsor, I think you're trying to have car sales in addition, is that correct?

MR. CUOMO: That's correct. We don't have the zoning.

MR. PETRO: PI zone, it's not a permitted use, the auto sales are not permitted. The application must be referred to the ZBA for a use variance. I did give you, I talked to you a little bit prior to the meeting, I told you it's very difficult but I think that in this case since it's been there from the early '60s which predates zoning I know when I was a kid I used to ride by there and something was going on there with autos so you may have a good case, bring some pictures, show the zoning board, give them a reason that you have a hardship not to be able to sell the cars there. We don't control that obviously it's whatever that board feels necessary, the only thing we can tell you which you already know is that the fire inspector says you don't have the proper lane width, it looks like it does, I have to find out from him, Paul, in the meantime check with the fire department, find out why you have a denial. Okay?

MR. CUOMO: I'll do that but I understand before it was

more narrow now it's wider.

MR. PETRO: I went by today, the place looks beautiful, really a fine job and I would suggest also that this board when this applicant goes to the zoning board that we do it with a positive recommendation because he's done an awful lot of work, sure looks different to me. Do you want to add anything? We're just going to send you to the ZBA, as far as the site plan is concerned we'll review that when you come back if you really need the variance.

MR. CUOMO: I need the referral.

MR. PETRO: It's not for us to spend time, if you don't receive it, there's no sense of going over it.

MR. EDSALL: Just one change and that I'll let you know about that they were very cooperative at the workshops, the original plan included auto sales which would be out near the road between the building and the Little Britain Road, they upon some suggestions from the inspector's office with some of the complaints they received agreed to move the vehicle sales area to the existing area that vehicles we're always parked which would be as shown on this plan, so this is not the original plan, they have in fact tried to work with the Town and make it a more agreeable position.

MR. PETRO: Are you saying that it's possible that McDonald, whoever's reviewing the plans didn't see this particular plan?

MR. EDSALL: I'm not sure but I know that one of the fire inspectors who was concerned and was the person receiving the complaints indicated that he felt that the location was objectionable. They since have agreed to move the location of the sales vehicles.

MR. ARGENIO: So it may even be resolved as we speak?

MR. EDSALL: Yes and at minimum some of the complaints they've received they've acted on and changed the plan.

MR. PETRO: If you don't have the neighbor across the street screaming I don't want the cars, the cars, if you already resolved that with him it will be one hurdle. Myra told me that the fire inspector saw this plan and still has a denial here so get that straightened out. In the meantime, I'll talk to him, find out what it is. Motion for final?

MR. ARGENIO: I'll make a motion we declare that Car Care by C & N incomplete at this time.

MR. GALLAGHER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare Car Care by C & N be incomplete. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: At this time you've been referred to the New Windsor Zoning Board for necessary variances. If you are successful and receive those variances and want to appear before this board again with this site plan you can do so at this time. Okay? You have to have everything put on the plan whatever you get make sure it's done properly. Okay?

MR. CUOMO: I'll check with Mark because I think what Mark said is true, we did move things around for the

September 28, 2005

7

fire department.

MR. PETRO: Just go on and everybody's in agreement we'll send with a positive recommendation. Any objections?

MR. MINUTA: No objections and I think the recommendation that they had moving it to the back was an excellent one.

MR. PETRO: Paul, make sure you tell the zoning board you have a positive recommendation from us.

MR. CUOMO: Okay, thank you.



September 28, 2005

8

ANNUAL\_MOBILE\_HOME\_PARK:

WINDSOR\_ENTERPRISES

MR. PETRO: Windsor Enterprises, I see Mr. Lease is here. For the minutes, Fran, I have to state that I own 50% of Windsor Enterprises so I will refrain from voting on this. This is for a one year extension.

Mr. John Lease appeared before the board for this review.

MR. PETRO: Do you have anything from Mike, any violations?

MS. MASON: Nothing.

MR. PETRO: And you have a check for \$100?

MR. LEASE: Yes.

MR. PETRO: Made out to the Town of New Windsor. Is it a good check?

MR. LEASE: I think so if we hurry.

MR. ARGENIO: I'll make a motion we grant one year extension to the special use permit for Windsor Enterprises Mobile Home Park on Ceasar's Lane.

MR. MINUTA: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Windsor Enterprises Mobile Home Park on Caesar's Lane. Any further discussion from the board members? If not, roll call.

ROLL CALL

September 28, 2005

9

MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	ABSTAIN

JOHN\_PIZZO\_SITE\_PLAN\_(05-32)

---

MR. PETRO: John Pizzo site plan, Temple Hill Road, Little Britain Road represented by Paul Cuomo, proposed office building.

MR. CUOMO: Do you know where this is?

MR. PETRO: Application proposes development of 4,220 square foot office building in the triangle parcel. Applicant previously reviewed approval for a very similar site plan on 5/20/98. Boy, that's a long time ago already. That application was referred to the ZBA on 10/2/93, moving right along. The current application is also for an office building, required bulk information shown on the sheet is correct for the zoning use, applicant requires variances for lot area, front yard lot coverage and off-street parking four of them, correct?

MR. CUOMO: Right, four things.

MR. PETRO: Well, you really have three front yards basically so you're going to have to have, is that what we're doing there, Mark?

MR. EDSALL: Yes.

MR. CUOMO: We're here basically because the zoning changed in 2002, we had the right zoning at that time but it got passed the first time but now the zoning got changed, much tighter, much different.

MR. PETRO: Is this building shrunk down?

MR. PIZZO: It's the same building.

MR. PETRO: Was it two stories?

MR. PIZZO: Correct, we were granted 57 percent

coverage, we're going back for the same coverage.

MR. PETRO: Exact same building, just complying with the new zoning.

MR. PIZZO: Yeah, change in parking, front yard and lot area.

MR. PETRO: Why did that get more restrictive? What did you do with that zoning?

MR. EDSALL: I'm not quite sure, I have to check back, compare the old tables.

MR. CUOMO: I think they just decided to do it that way, I mean.

MR. PETRO: Well regardless we did send you with a positive recommendation and if the hardship is caused by a zoning change, I know that we spent a lot of time on that building trying to get something to fit in there, it's a nice piece of property.

MR. ARGENIO: Lot of exposure.

MR. PETRO: Rather small building for the property but the front yards are what's really you have three front yards all the way around the building.

MR. PIZZO: Hopefully we'll be successful this time.

MR. PETRO: If you have The Record doing a story on your piece of property, you have to put something nice there.

MR. MINUTA: What sort of building are we looking at?

MR. PIZZO: Two story office building to house possibly an orthodontist and an associate.

MR. MINUTA: Facade on the building?

MR. PIZZO: I'm not really sure yet.

MR. PETRO: Motion for--

MR. ARGENIO: I'll make a motion we declare the Pizzo site plan on New York State 207 and 300 incomplete at this time.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board declare Pizzo site plan on 207 and 300 incomplete, therefore sending it to the zoning board for its necessary variances with a positive recommendation. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

DISCUSSION:

---

RPA\_\_-\_\_LANDSCAPING\_PLAN

---

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: For edification of the board I'm quite upset with the way that that corner there on Union Avenue looks with that wall and the high piece of dirt and the high buildings. So I did a site visit with Mr. Shaw, I think the owner was there or somebody representing the company, went over a couple different ideas to try to make it just look better so why don't you tell us what you came up with.

MR. SHAW: Well, this is a follow up to the last time I was before this board on this matter, which is probably about eight weeks ago. And as the chairman said, the board thought that intersection should be embellished both with walls and with landscaping. Presently there's two tiers to the retaining wall and this plan which is before you is almost it is identical to the plan we spoke about two months ago, other than the landscaping and with that we're taking the two tier walls and extending them to the west up Union Avenue to the south along Route 32 and then adding a third tier and with this drawing is a full landscaping plan indicating not only the existing landscaping that's there but also the new landscaping. So what we have tried to do is exactly what you wanted was to embellish that intersection to have a more attractive appearance than it presently is.

MR. PETRO: How far up Union Avenue are you going to go and how far to the Vails Gate side are you going around 80 feet in both directions?

MR. SHAW: The shaded blocks that you're looking at are the new extensions so with respect to the piece on

Union Avenue, the lower tier looks like it's about three inches so that would be 60 feet, the middle tier is probably about 2 inches, that would be 40 feet going to the south on Windsor Highway, the lower tier's probably about 2 1/2 feet so that would be 50, the middle tier is probably a little less than two inches so that would be about 35 feet and then the brand new tier at the top is probably about five inches long, that would be 100 feet.

MR. PETRO: How did you determine on the bottom side only going 2 1/2 inches which would be 50 feet, seems like it's not really too far, that's what I'm thinking but you must of had a reason.

MR. SHAW: Well, this landscaping and these wall extensions represents probably about 35, 40,000 above and beyond what's there now.

MR. PETRO: I'll tell you this, you know what I'm going to say, not interested in that.

MR. SHAW: Well, my client is.

MR. PETRO: Well, he has to adhere to our wishes here, he's known from the start that he had to do something there, it's been years that I was told it was going to look like a mountain, it does when you come in there not only do you have the dirt 15 feet high, the building is 35 feet high. Do you need a variance for the building? Yes you do.

MR. SHAW: No more.

MR. PETRO: You took the cupola off, is that it?

MR. SHAW: No, we got it Monday night.

MR. PETRO: You're poking fun. You did need a variance.

MR. SHAW: Yes.

MR. PETRO: So you're telling me that the reason that you're not going to embellish the landscaping there is because of money and make it longer?

MR. SHAW: No, no, no, I didn't say that. First of all, Mr. Chairman, it's not my money, okay, so I can't commit to spend it even if I wanted to and I didn't say that, economics always comes into play anytime you have any site development unless you have unlimited funds. This is above and beyond what was approved at the intersection by this board. My client went and did the work on the intersection again above and pretty much consistent with what was approved. Let me correct myself and he's willing to go this one step further which I believe is a substantial improvement.

MR. PETRO: I know but the above and beyond works both ways. How many times do you come in for site plan amendment and we go above and beyond, change what we previously reviewed? So it goes both ways. How many times do you make a field change with Mr. Edsall, go above and beyond, so it does work both ways so he's got to give back something cause it looks like hell.

MR. SHAW: He did, he's extending the two walls and creating a third.

MR. PETRO: I thought it should be further in your professional opinion, you don't think it should be further? How about Mark at end of the wall, the 60 feet or the 50 feet on the both only--

MR. EDSALL: Along 32.

MR. PETRO: Is it going to be one on one, what's the angle there? Is it legal?



MR. SHAW: It's a one on three slope.

MR. PETRO: That's where the wall--

MR. SHAW: Along the entire length, general statement along the entire length of Windsor Highway, it's a one on three slope on Union Avenue, little steeper, probably closer to one on two minimum.

MR. PETRO: Any other board members have anything to do about the landscaping? If you think this plan is fine we'll go with it. If we don't like it we're just going to do it.

MR. EDSALL: Greg, what treatment are you using on the surface on the one on three?

MR. ARGENIO: That was going to be my next question.

MR. EDSALL: Cause I think if it's finished it may not be as objectionable.

MR. SHAW: Well, it's going to be a law and with a one on three slope that's certainly mowable.

MR. EDSALL: Some low plantings may serve better on that slope at least for a portion of it.

MR. PETRO: Why don't you get it built, we'll look at it again, do another field visit maybe the next 20 or 25 feet maybe be junipers or low plantings.

MR. SHAW: If that's what you're looking for is just another 25 feet with some low plantings that's reasonable, okay, and I can talk to my client and I feel confident that we'll accommodate you, my concern was starting to run those walls to the south heading towards the entrance of Epiphany Drive again which is extremely expensive.

MR. ARGENIO: I'm going to say that Jimmy I agree with your concerns here on this whole area but I just I think that to run those walls to the south another 300 feet or 200 feet, just running walls to the south--

MR. PETRO: We don't want to make it look like the Alamo.

MR. ARGENIO: You're headed there.

MR. MINUTA: We're talking about this in somewhat abstract form, we have plans in front of us although they're very good plans, no disrespect to that, I don't see from an anesthetic standpoint that we're trying to accomplish what this is going to look like as finished product. I see elevations, I see retaining walls, I see the type of plantings but we don't have a real time view as to what the intersection looks like when we go out there versus the plan, we're always disappointed.

MR. ARGENIO: What's your point, Joe?

MR. MINUTA: I'd like to see something of what this is going to look like with the building where it is, with the approved variance of an increased height and the pitch of the slope because at this point that intersection has become a wall again.

MR. PETRO: He's only complying with what I had asked at that point, so I would suggest to go one step further, what you're saying we'll go with this and then at that time we'll decide whether it's sufficient or if it's not and it may take some plantings or some other we'll have one more visit here.

MR. ARGENIO: Jim, I certainly am of the opinion that to extend those walls any substantial distance to the south or west is whoever said the Alamo made a lot of sense, a lot of block that we don't need, but I think that some low plantings as Mark suggested I think

that's a, I think that's a fine idea in lieu of maybe a portion of the grass, but I don't want to look at 300 feet of wall.

MR. SHAW: I'll even go, it's been, this drawing was approved, the retail center was approved in 1997-1998 by this board, I'm sure there's a land, I know there's a landscaping plan in the file, very well may be landscaping along Union and Windsor Highway, just been a while since I looked at it so--

MR. ARGENIO: So it may exist is your point?

MR. SHAW: Absolutely what I'm saying is that the board very well may have approved that which it wants today but we'll get the wall extensions, up the landscaping and any other landscaping that was required on the drawing and then we'll take a look at it.

MR. PETRO: I will say it one more time, do that and do a site visit, I want to see it, anybody else who wants to go with me? Okay, then we'll go from there. Before you leave, what's going on with the clubhouse?

MR. SHAW: We're down to one item, the railings and only the railings and I was told today that they're being fabricated now they'll be delivered next Thursday and probably figure about two working days to put them in.

MR. PETRO: Okay, again, I don't want you to think I'm picking on you but I want you to know you have built the entire retail building on 32 in less time than it took to build a clubhouse, you started the clubhouse after we were, you started the retail building after we were discussing the clubhouse.

MR. SHAW: I'll pass that on, Mr. Chairman.

MR. PETRO: So I can tell you one thing there will be

no C.O. for the retail building if the clubhouse isn't open. I know that they're using the clubhouse without a C.O. I know you don't know but we know about it.

MR. SHAW: Who's using it, the residents?

MR. PETRO: Residents, I think, I don't want to say anymore about it, get it taken care of, Greg, because the time's going to come you're going to want C.O.s on the front building, right?

MEADOWBROOK\_ESTATES\_(01-42)

---

John Capello, Esq. appeared before the board for this review.

MR. PETRO: Meadowbrook Estates.

MR. CAPELLO: John Capello, I'm with Jacobowitz & Gubits here on behalf of the applicant with Ross Winglovitz who is the project engineer. Real quick on this one, we've been before the board on this application since 2001, back then under the then existing zoning we were entitled to over 200 units. Our original application was for 165. Working with this board and the Town we reduced that pursuant to an agreement to 74 units in the Town of New Windsor, this project is split between the New Windsor and Cornwall.

MR. PETRO: When did you start this project?

MR. CAPELLO: 2001 we started, we had preliminary approval I believe it was July, 2003, we've been getting extensions. Our problem is we can't proceed to the Health Department pursuant to the water moratorium that was initiated by the Town Board so we're in kind of a catch 22 with the running out of the grandfathering provision because we can't comply because we can't go to the Health Department because of the water moratorium, so we've been ready, willing and able to go there for at least 18 months now. Until the Town lifts the moratorium we can't do that so we're asking for an extension of the grandfathering for additional year so we can hopefully work with the Town. We have a hearing on this I believe next Wednesday with the Town Board to annex the Cornwall portion into the Town of New Windsor so it's then one unified project in one, you know, zoning district in one Town, one sewer water district and as part of that we have agreed that we wouldn't exceed the 90 units that is the total that has been proposed and was preliminarily approved by

both the Cornwall Planning Board for that portion and the New Windsor Planning Board for the New Windsor portion.

MR. PETRO: Okay, I've given this a lot of thought for the members of the board just listen to me if you have an objection or you want to cut in just do so at any time. In 2000, October 3 of 2001, the zoning was changed as you know from in your particular I know you had some quarter acre lots up to 80,000 feet, we went back and forth a number of times, reduced, grandfathered in graciously resettled in and around an acre, that's why you went from 200 down to 74. I know you've been working with the Town and gave them some sewer rights but that's really beside the point. I think it ran out in 2004, October 3 and it's also going to run out in about another week or so, October 3 of 2005, it would be my opinion and only my opinion and this board's opinion that the legal term which is used it's an impossibility to perform, in other words, we have given you a task which is another arm of the Town has made it so that you cannot possibly conform, i.e., going to Department of Health for your water rights because the Supervisor legally cannot sign that as long as there's a water moratorium in place. So, therefore, you certainly cannot comply with this board's wishes to comply with zoning if another board is telling you you can't go in the first place. So I've checked with the legal and impossible to perform is what we're going to go by, it's again I use my analogy which I do with my 9 year old boy, if you stand against the wall and I tell you to take one step forward and you have 30 seconds to do it, you're going to have a real hard time, so being that said we're going to grant you another year to comply and that's it. I have nothing else to say, October 3, 2006. Thank you for coming in. Does anybody object?

MR. KARNAVEZOS: No.

MR. ARGENIO: No, you talked to Phil about this?

MR. PETRO: Yes.

MR. GALLAGHER: No objections.

MR. PETRO: And you understand what I'm trying to tell you, it's impossible to comply so therefore how can you have the time run out on you, just doesn't make sense. Now, if it should go to a judge or a court or somebody brings a case or whatever that may be and a judge tells me you can't do that, that's the way it is, but I just did it. So enjoy your night.

MR. CAPELLO: Thank you very much.

MR. PETRO: Everything I want to get into the minutes everything else that applies to your application is still in effect. Any other deadlines or anything outside agencies, nothing has changed other than what we discussed.

MR. CAPELLO: Yes.

MR. EDSALL: Jim, since your original grandfathering deadline was established by a resolution of the board, I would suggest that the board adopt a resolution adopting the same exact provisions but establishing a new date only because you did it by resolution last time, I would suggest you do it.

MR. PETRO: Can I have a motion to make the new date?

MR. ARGENIO: I don't understand what you just said.

MR. PETRO: He wants to do a roll call for October 3, 2006.

MR. EDSALL: There was formal resolution adopted, there was a vote of the board that established the deadline,

you now want to extend, I'm suggesting that you do it by motion of the board.

MR. ARGENIO: And I'll make the motion to that effect.

MR. GALLAGHER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board adopt October 3 of 2006 as an extension to the original October 3 of 2004 deadline. Is there any objection to that by anybody on the board? If not, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Satisfied, Mark?

MR. EDSALL: Just want to make it clear.

MR. PETRO: Thank you.



REGULAR\_ITEMS:

\_\_\_\_\_

BRIARWOOD\_SUBDIVISION\_(01-60)

\_\_\_\_\_

Robert DiNardo, Esq. and Mr. Chris Kirwan appeared before the board for this proposal.

MR. PETRO: Proposed 42 lot residential subdivision. Application involves subdivision of three tax parcels totaling 42.8 acres into 42 single family residential lots. Plan was previously reviewed at the 24 October, 2001, 8 December, 2004, 9 February 2005 and 13 April, 2005 planning board meetings. Another one we're moving right along. R-3 zoning district, the public hearing was already held and closed for this application. Plans are substantially the same as those considered at preliminary, therefore, as such I recommend the board waive the final public hearing at their discretionary judgment. Why would I have a second public hearing for the same exact plan?

MR. EDSALL: Because the new subdivision regulations have that in it so--

MR. PETRO: Nothing's changed on the plan.

MR. EDSALL: But the new law as the subdivision regulations were adopted by the Town Board provide for a second final public hearing which many municipalities have in the case where the plans haven't changed, you merely waive it so this is just again to keep the record clear and make sure that all the I's are dotted and the T's are crossed but that's a provision of the subdivision regulations now.

MR. PETRO: Why don't you tell us very briefly because I've seen it so many times I'm going to send it a Christmas card what you're doing here.

MR. DINARDO: The only significant comment at the

public hearing was with regard to water and the lots are sized for wells but we're providing dry lines for the eventual hopeful access to public water. The significant things which have happened since we were here last on preliminary approval we're essentially approved, we now have DEC approval, we have as of yesterday Health Department approval, we have a, I don't want to call it an approval or indicating the plans have adequately addressed the concerns many expressed respecting the reservoir and other than that I think Mr. Edsall can comment on better than I.

MR. PETRO: We have as I recall three pond lots or drainage lots which are being offered to the Town for dedication, I think those are the high points. Mark, did I forget anything?

MR. EDSALL: No, the applicant has been extremely busy obtaining their approvals, I have copies of the Health Department approvals, the DEC had previously approved it, the storm water pollution prevention plan had been approved by the Division of Water from DEC. We had at the board's request had forwarded this to the City of Newburgh, they had comments that have been addressed, they have since corresponded back to the chairman indicating that they now accept the plan, so I have under comment 5 listed some conditions for approval which are just normal procedural items.

MR. ARGENIO: I have two things and the chairman's right, we have seen this quite a few times, you're going to install the water distribution system under the roads, dry test pipes or don't test them, I don't--

MR. DINARDO: That's a hard question, I don't know.

MR. ARGENIO: You're going to put a water main under the road, dry test them, plug the end and walk away?

MR. KIRWAN: The taps are there to the houses and

basically there's a note on the plan that says if we service the job with wells that once the water moratorium is lifted, the residents of those houses have a year to abandon the well.

MR. ARGENIO: And hook up to the Town system.

MR. EDSALL: Windsor Woods had a similar situation and what effectively happened there was during the course of the build-out of the project, the water became available and they stop putting in wells.

MR. ARGENIO: And the second thing was what's the \$75,000 on the last bullet, Mark?

MR. EDSALL: There was, there have been some concerns about the available capacity of sewage pump station 12 and because the Town had no schedule for the upgrade of the pump station which is in difficult condition I will put it that way a number of developers all who came in at the same time had agreed to all contribute toward that pump stations upgrade again so this is escrowed with that money. It's intended to go toward that pump station, only that pump station, the design is in place right now, it should be starting construction soon that allowed these applicants to move forward.

MR. ARGENIO: That's it.

MR. PETRO: Reference please note that SEQRA has been completed, board adopted a negative dec on 4/13/05, Mark, do you have anything else you want to talk about in this?

MR. EDSALL: No, they're ready.

MR. PETRO: Preliminary approval.

MR. EDSALL: Final approval I would suggest.

MR. DINARDO: We have preliminary.

MR. PETRO: Final approval, I'm sorry.

MR. ARGENIO: I'll make a motion for conditional final approval for the Briarwood major subdivision subject to what the chairman is about to read into the minutes.

MR. PETRO: Is there a second?

MR. GALLAGHER: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board grant final approval to the Briarwood subdivision on Mt. Airy Road subject to I'm going to read these in, you can agree to them, they're to be part of the minutes and part of the application, you understand?

MR. DINARDO: Yes.

MR. PETRO: That revision made to the final plans to address the aforementioned City of Newburgh letter, the copies of the approved letters from Orange County Department of Health and New York State DEC are on file with the Planning Board, that the public improvements guarantee be posted with the Town, that the applicants submit the descriptions and offers of dedication for the subdivision roadways, easements and storm water district parcels, that all inspection, recreation and other approval fees are paid by the applicant and payment of the agreed to voluntary contribution towards SPS #12 improvement (\$75,000). Any further comment from the board members? If not, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. KARNAVEZOS	AYE

MR. ARGENIO                    AYE

MR. PETRO                    AYE

MR. PETRO:    Thank you.

MR. DINARDO:    Mr. Chairman, we hope to have all of these conditions satisfied before the original October 3 deadline but two quick questions.    Who do I get this material to?

MS. MASON:    Me.

MR. DINARDO:    And secondly again we expect to be done in time but we had prepared a letter as a precaution asking for an extension, I don't know based on your earlier resolution whether that's even necessary but I'll leave a letter.

MR. PETRO:    Leave it here if it's necessary we'll discuss it.

MR. DINARDO:    Thank you.

A\_&\_J\_WASHROOMS\_(05-31)

---

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: A & J Washrooms, Route 32 proposed addition to existing building, 8,400 square foot addition to existing building. The application proposes a 8,400 square feet addition on the southerly corner of the building, the plan was previously reviewed on a concept basis only. It's in a PI zoning district of the Town, existing use on the site, special use, required bulk information on the plan is correct for the zone and use regarding off-street parking, the current site as it's existing has a parking deficiency of 53 spaces, the proposed site has 44 space deficiency. As such, the application is decreasing the non-conformity and as such would not require ZBA attention. I would agree with that. Site plan provides additional parking at the rear, is that blacktop or just--

MR. SHAW: That's blacktop parking.

MR. PETRO: Also addresses some of the non-conforming parking dimensions on the front of the site, site lighting is indicated. Planning board should assume lead agency, we'll get to that. All right, Greg, let's talk a little bit exactly where is this to start with?

MR. SHAW: Okay, this is at the intersection of Wembly Road and Temple Hill Road and A & J Washroom sits down a little low maybe that's why it's not as visual what we're proposing is a 8,400 square feet warehouse to the rear of the property. Right now this is an existing macadam area within this chain link fence so we're not going to be generating macadam areas though, we're not going to be generating anymore runoff from this area as is already macadamed, we're in a PI zone, we conform with all your bulk tables other than parking which is, which you spoke a minute ago. There will be

no new connections to the water or the sewer line and this shaded area in the back is where the additional parking is going to be for the 14 spaces and as Mark pointed out at his suggestions we came into the front, we also straightened out some of the non-conforming spaces there. So we feel we have upgraded the site with respect to parking and we have just I hate to use the word simple but that's what it is an 8,400 square foot warehouse.

MR. PETRO: The parking that's deficient show us where you put the extra spots I guess on the back.

MR. SHAW: Well, what we did was you didn't have enough depth from edge of pavement to edge of pavement for a parking space aisle and parking space and what we had to do is go closer to the building and remove some lawn area about six, seven feet, replace with new macadam pavement in order for this section to comply with the Town's regulations.

MR. ARGENIO: Greg, if you can do something different than a new railroad tie curb?

MR. SHAW: Only cause it's an existing railroad tie curb.

MR. ARGENIO: Something other than wood laying there on the ground.

MR. SHAW: We can do that.

MR. ARGENIO: You know, just a thought.

MR. SHAW: We can do that.

MR. ARGENIO: Something a little better than that.

MR. PETRO: All right, I'll take a motion for lead agency.

MR. ARGENIO: I'll make the motion for lead agency.

MR. GALLAGHER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the A & J Washroom site plan amendment on Temple Hill Road. Any further from the discussion from the board members? If not, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: You're not changing any curb cuts?

MR. SHAW: No curb cut entrance onto Wembly Road in a couple locations.

MR. PETRO: What are you really changing, just add some parking and put in the addition.

MR. SHAW: That's why I used the word simple.

MR. PETRO: There's no setback problems with any for zoning, you're off the rear yard there?

MR. SHAW: Yes.

MR. PETRO: Side yard you're conforming?

MR. SHAW: Yes.

MR. ARGENIO: So there's an existing entrance on Wembly Road where the parking lot is?



MR. SHAW: Correct, you have entrance right now where the parking lot exits plus you have exiting loading area here.

MR. ARGENIO: That does exist now?

MR. SHAW: All these exists, this exists, this exists, this exists, the only thing which does not is the shaded area which is new macadam pavement.

MR. ARGENIO: But the entrance does exist?

MR. SHAW: No.

MR. ARGENIO: Curb cut does?

MR. SHAW: This curb cut does not exist.

MR. ARGENIO: There's no curb cut here?

MR. SHAW: Correct, that's the one we'll be adding, all the rest exist.

MR. PETRO: Mark, so I understand the special use permit that went with the main building for what use?

MR. EDSALL: The special use permit is for the existing facility and its use. My suggestion to the board is that they are not changing the use, this is purely a site plan change.

MR. PETRO: The addition is continuation of the use it's already been permitted by special use permit.

MR. EDSALL: Exactly so they're not changing the special use permit just modifying the site plan.

MR. PETRO: All right, let's see.

MR. ARGENIO: I agree with that, Jim.

MR. PETRO: Yes.

MR. ARGENIO: An extension of the existing permit.

MR. PETRO: Mark, you don't see any problem with waiving the public hearing before it goes to Orange County Planning Department or you want to do it in reverse?

MR. EDSALL: No, I think that's the board's discretion but clearly I think that no one will really notice the change because it's at the back of the building.

MR. PETRO: Well, if you're not changing the use special use permit it's in force.

MR. EDSALL: That's correct.

MR. PETRO: Motion to waive the public hearing.

MR. ARGENIO: I'll make the motion.

MR. GALLAGHER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for A & J Washroom site plan amendment. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

September 28, 2005

34

MR. PETRO: We're going to refer you to the Orange County Planning Department, go out there if you, if you get it taken care of come back here and we'll look at it for final.

MR. EDSALL: Greg, we'll take care of the referral within a day or two.

MR. SHAW: Okay.

PIARIA\_SITE\_PLAN\_(05-27)

---

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Proposal is for construction of 9,800 square foot building along with the 5,180 square foot truck canopy and 22 parking spaces. This application proposes the construction, just read it in, I'm not going to do it again. Property's in a PI zone in the Town, plan indicates that proposed use is special permit, again 8 percent, 11 percent on the parking lot. Greg, did you look at that and can't do any better than that?

MR. SHAW: The parking spaces are at 5 percent which is what this board will allow. The access aisles may be a little steeper coming up the driveway, I'll doublecheck them but I believe this space--

MR. PETRO: You're saying 5, Mark is saying 8 to 11, what is it, Mark?

MR. EDSALL: I'll doublecheck them, I can't check them at the moment, I don't have a scale.

MR. SHAW: For sure the access drive coming off of Silver Stream Road is steeper than 5 percent when you get up to the parking it does flatten out.

MR. PETRO: Are you disturbing more than one acre?

MR. SHAW: Yes.

MR. PETRO: Disturbing more than one?

MR. SHAW: Yes.

MR. PETRO: So you're going to have to comply with the storm water management plan.

MR. SHAW: Yes because you'll see that we have a storm water management facility consisting of a water quality detention pond.

MR. PETRO: Let's go over the plan.

MR. SHAW: As you mentioned, it's a 4.3 acre parcel in a PI zone, this is a permitted use within the zone which is a steel fabricating facility but it does require a special permit from this board. Inside the building itself we're going to have an area that's going to be designated as light manufacturing, there will be some warehouse space and also be a small office space of about 500 square feet. We're required to provide 22 parking spaces and we're providing 22 parking spaces. The building will be connected to the Town's water and sewer system which is available on Silver Stream Road. This butts up against the Thruway property and if the board would just notice that we're not draining any storm water onto the Thruway that has been the problem I believe in the past with development along the Thruway, we're not on the ridge line so all the drainage is coming into Silver Stream and into our pond so we will not be affecting the Thruway whatsoever. And with this we have also included erosion control plans, site lighting plans and also landscaping plans for this board's review. So we feel the submission is complete. As I mentioned there will be a steel fabricating facility subject to a special permit which will require a public hearing by this board.

MR. PETRO: If that parking is correct as Mark stated you might have to cut in a retaining wall on the high side, you keep that cut, that parking into that slope?

MR. SHAW: Correct.

MR. PETRO: Now let me ask you this, you're going to

put in these retention ponds and looks like there's two of them.

MR. SHAW: Not really all one pond, there's two components of it, one is a four bay which receives the storm water which settles out the sand and the sediment and then it flows from that into what's called the outlet pool which will have wetlands vegetation and it will actually through the DOT final polishing of the storm water before it leaves the site.

MR. PETRO: It's all going to be fenced?

MR. SHAW: Yes.

MR. PETRO: That's an absolute outrage, it's so stupid that it bothers me just looking at it.

MR. SHAW: Unfortunately, you're going to have to get used to it because it's the law.

MR. ARGENIO: What are you talking about the water quality?

MR. PETRO: Two more ponds, why do we need two more ponds for mosquitoes and everything else because we don't want the water to run where it's been going for 300 years because some environmentalist thinks some oil is going to go down here and kill a mosquito, that's two more ponds on that one site, it's ridiculous and state mandated, right, can't change it.

MR. EDSALL: Federal to the state to us.

MR. PETRO: And your alternative is to put an underground system in.

MR. SHAW: Alternative is to put an underground system in, not only detention but also water quality which is forget about the maintenance point of view, it's

hundreds of thousands of dollars.

MR. PETRO: And this only works because your lot just happens to be big enough that you have a place to even put that silly pond.

MR. SHAW: Correct, what happens Mr. Chairman is a lot of times when someone comes in with a parcel that they want to develop maybe it's two acres on a state highway I have the pleasure of informing them that they don't have two buildable acres and we have to reserve out a portion for a pond or basin or whatever have you at the lower end of the site and does consume a good amount of parcel.

MR. PETRO: Mark, who takes care of the ponds?

MR. EDSALL: For a site plan it's the property owner's responsibility.

MR. PETRO: And a subdivision Town will have to?

MR. EDSALL: Oh, subdivision Town creates a drainage district.

MR. PETRO: Well there's nothing I can do about it, I just feel sorry for all the people who are going to have these all around their houses. All right, back to the site plan, how are you lighting, I see you have wall packs on the building?

MR. SHAW: There's a lighting plan, Mr. Chairman, it is on drawing 3 and there are two poles and the only lighting around the building is just for security.

MR. KARNAVEZOS: How are you going to get to it, see the truck canopy here, are you going through the building to get to it?

MR. SHAW: Yes.

MR. KARNAVEZOS: Not going to put any kind of--

MR. SHAW: No, the grades won't allow it and my client doesn't want to, he feels in his operation and he has other steel fabricating facilities throughout the state that that works fine for him so I take him at his word.

MR. KARNAVEZOS: Okay.

MR. EDSALL: Jim, I just checked slopes, the center line slope initially is around 15 percent coming in then it goes to about 7, 7 1/2, the 4 areas vary from around 4 percent up to over 8 so it's not quite 11 but it does vary from like I said 4 to up to about 8.

MR. PETRO: Okay, any type of landscaping what you're putting around the pond, the outlet for the pond is in that low corner then it goes down into what?

MR. SHAW: To a roadside swale which is where the storm water discharges now, there's no drainage other than that swale on Silver Stream Road and again with the whole idea of holding back our water and let it bleed out slowly so it doesn't exceed the rate of the existing flow that's, the swale will be able to carry it.

MR. PETRO: You're telling me I know we're back on the pond that that four bay pond before it goes into the big pond is to collect the silt and sand?

MR. SHAW: It's a sump hole, it's not really two, it's one with two components.

MR. PETRO: First component after three years when it's filled up and needs to be maintained you're telling me that the tenants in this building or the owner of the building is going to go out there and maintain that little pond? I can't get him to change a filter in the



ceiling for the heat and they're going to go out and take that pond apart?

MR. SHAW: They're supposed to.

MR. PETRO: All right, curb cut existing.

MR. SHAW: No, there's no existing curb cut whatsoever.

MR. PETRO: So you're going to--

MR. SHAW: No, we're accessing onto Silver Stream Road.

MR. PETRO: All right, let me look here, Greg, what else do you need here tonight?

MR. SHAW: I really just need the lead agency and to set up the public hearing for the special permit.

MR. PETRO: Motion.

MR. ARGENIO: I'll make a motion that the New Windsor Planning Board take lead agency on the Piaria site plan.

MR. GALLAGHER: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board declare itself lead agency for the Piaria site plan on Silver Stream Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion to have a public hearing scheduled.

MR. ARGENIO: I'll make that motion.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board have a public hearing for the Piaria site plan on Silver Stream Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: You can get together with Myra, she'll set it up with you when you're ready and get the notices out and have your public hearing.

MR. EDSALL: We'll forward this to the County as well.

MR. PETRO: Yes, straighten the parking out, Greg.

MR. SHAW: Yes, absolutely I will revise it.

MR. PETRO: Also highway is under review and fire has been disapproved so you're going to have to straighten that out too.

MR. PETRO: As of 9/21/2005 insufficient accessibility to entire building, so you have to get together with the fire guys, see what's going on.

MR. SHAW: Okay.

September 28, 2005

42

MS. MASON: Greg, get me a check for \$25.

MR. SHAW: Okay, thank you.

SHADY\_DELL\_SUBDIVISION\_(05-13)

---

Mr. Paul Cuomo appeared before the board for this proposal.

MR. PETRO: Proposed four lot residential subdivision. Application proposes the subdivision of 22.2 acre parcel into five single family residential lots, plan was previously reviewed at the May 11, 2005 meeting, 24 August, 2005, 14 September, 2005 planning board meetings. This is an R-3 zone, bulk table on the plan is complete and reflects the correct required values. The applicant's consultants have modified the plans in a manner that compliance is now obtained, all other corrections requested have been included on these revised plans. Good job, Paul.

MR. CUOMO: We're ready to go.

MR. PETRO: Plans are now ready for mandatory public hearing because it's a major subdivision. What do you want to say Fred?

MR. BUCK: No.

MR. PETRO: Anybody want to say anything? We looked at it, let's schedule a public hearing.

MR. MINUTA: Make a motion we schedule public hearing.

MR. GALLAGHER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board have a public hearing and schedule a public hearing for Shady Dell major subdivision on Mt. Airy Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Lead agency?

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Any further discussion? If not, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Schedule with Myra, we'll see you at a public hearing.

PRESUBMISSION:

---

SESAME\_ESTATES

---

Mr. Joseph Sarchino, Mr. Joseph Forgione and Robert Krahulik, Esq. appeared before the board for this proposal.

MR. KRAHULIK: Good evening members of the board, my name is Robert Krahulik attorney for the applicant. With me tonight is Joe Sarchino engineer, one of the principles, Joe Forgione right behind me. This project involves development of approximately 83 acres on Mt. Airy Road. It's not far from the Briarwood subdivision which you were contemplating.

MR. PETRO: This is directly from workshop.

MR. FORGIONE: This is the first time you've seen this. Sterling properties has been developing real estate in the tri-state areas of New Jersey, New York and Pennsylvania for 20 years now and found its nitch in developing age restricted communities for active adults. That's what makes this project unique to the Town of New Windsor, this would be an age restricted active adult community with a variety of existing housing types for active adults depending on their needs consist of garden flats, affordable housing product, condominium style townhouses and single family detached homes.

MR. PETRO: What's your density?

MR. SARCHINO: 3.2 units per acre on the 83 acre site.

MR. KRAHULIK: We met with Mr. Edsall and discussed the concept of an age restricted community and we believe the Town of New Windsor is receptive to the adoption of zoning legislation that would accommodate an active adult community and the mixture of different types of

housing that we contemplate for this community. I'm going to ask Joe to discuss the site in a little bit more detail and then Mr. Forgione to discuss the various types of housing that will be available within the community. It's our hope that by the end of the night any concerns or issues that you have with respect to the project can be identified. Ultimately we're hoping that you can pass on recommendation to both the Town engineer, Mr. Edsall, as well as the Town Board your thoughts, comments, hopefully recommendations that the Town perceives with the creation of an age restricted active adult community to allow this type of housing stock to be built within the Town of New Windsor. With that being said, I'm going to turn it over to Joe.

MR. PETRO: Before you start, you're planning on going to the Town Board to get your variance for the property so you can have your--

MR. KRAHULIK: We believe that there will be an adoption of a new zoning ordinance that would create perhaps a floating zone that would not necessitate the need for a variance but would be a use permitted within the Town of New Windsor.

MR. PETRO: Here's how I'm going to look at it. Right now, it doesn't exist, so you can't have it, whatever they do at that level we'll look at this but there won't be any building until you have the proper zoning.

MR. KRAHULIK: Of course and we're here and at Mr. Edsall's information just to share our concept, we're not seeking sketch plan approval or anything at this early stage of the game and perhaps the Town Board will be asking you to submit comments with respect to an age restricted zoning ordinance and perhaps specifically to this type of a or this particular project and that's why we're here before you tonight.

MR. PETRO: Age restricted 55 and over?

MR. KRAHULIK: That's correct.

MR. PETRO: And how are you going to police that?

MR. KRAHULIK: There will be a homeowners' association that will be bound by a set of deed declarations, declarations of covenants, easements and restrictions by Federal Law no more than 20 percent of the units can be occupied by persons less than 55 years of age. Not that everybody's over 55 years of age but at least one occupant must be over the age of 55 so one spouse must be over 55, may be married to a spouse under the age of 55 that would comply but you can't have more than 20 percent of the units occupied by two persons say at the age of 45 that would be an exception to the age restriction.

MR. PETRO: And the homeowners' association would police that?

MR. KRAHULIK: Yes, they would.

MR. PETRO: And they'd take action to have somebody removed?

MR. KRAHULIK: They would have the authority to do that, yes. Now there are certain limited exceptions that allow somebody under unique circumstances to perhaps occupy a piece of property, if there was a death in the family or perhaps and by the way another unique characteristic of this type of housing product is that people under the age of 18 are absolutely prohibited other than perhaps a brief stay. There are some exceptions, for example, if the parents of a particular family pass away and there are minor children and the grandparents are named as the guardians, those children would have the right to temporarily occupy the property with the grandparents



but it would be a very unique circumstance such as that.

MR. PETRO: You answered that sufficiently. What would your median price be for a unit here?

MR. KRAHULIK: I'm going to let Joe describe the project and Mr. Forgione to answer in detail.

MR. PETRO: I don't want to spend a lot of time and I'll tell you why.

MR. EDSALL: Jim, can we just make one point clear. The Town currently has a senior citizen housing regulation Section 300-18 allows senior housing in any zone. The issue at hand is that we have been tasked, meaning myself and Mike Babcock, to attempt to update the section of the code and one of the issues is density and many others such as type of units, the current code we don't believe would allow the type of units, some of the type of units shown on this plan.

MR. ARGENIO: Which type?

MR. EDSALL: The single stand alone single family. The question becomes with the new ordinance that the Town Board is going to consider I would assume within several months will it allow this type of unit or not so it's not a question of can they have an age restricted senior housing project in the zone in this location, it's what configuration. So that really is the issue at hand. And it's a moving target because we know the code is very likely to change. We don't know yet what it's going to be.

MR. SARCHINO: Just to try to get your bearings as far as where the site is located I think this in a, does a pretty good job, Brown's Pond its an 83 acre site here off Mt. Airy Road, there's the bend of the road that I'm sure you're familiar with because this is the

Briarwood subdivision which we superimposed into here, you can see the lines down into there so the access point would be here and extended to the property here and basically I'll just turn it over to Joe Forgione who can describe the product.

MR. FORGIONE: Thank you for your time. I'm just going to take out a few elevations and these are actual elevations of the project that's currently under construction in Franklin Township, a 280 unit age restricted 55 year and older product located off Route 287 in Franklin Township. What we have done is we have created three product types. Our proposal again is for an age restricted 55 and older, three product types are the detached single family home that's conventional town home which is no more than four units per building and a stack flat condominium type of product. You brought up some important questions, how do you assure that they're 55 and older, aside from the home homeowners' association and the Federal Fair Housing Law the units themselves are designed not to attract families. If you look at the single family home layout, all the living is on the first floor, the master bedroom and the second bedroom. Only option available within this would be a second story loft bedroom which becomes a library, arts and crafts room, those type of things. On the townhouse, it's conventional master bedroom on the first floor, two bedrooms on the second floor and with a stack flat it's obviously all on one level and they are three story units. The different product types appeal to different lifestyles. We see that the true emptynester tends to buy a condominium, likes to lock the door and to go to Florida for the winter. The single family appeals more to the year-round buyer, people that stay here through the four seasons and the condominium flat what this does is offers a little bit more affordability. Now Mr. Petro I think you and I met the day we were meeting with your engineer in the hallway and the first thing you said was affordability and quite often that's the

biggest concern with seniors if they're going to sell their home for \$400,000 they want to buy something in the \$200,000 range, put some money away and be able to travel and live. This is why we create three different product types. We believe that it gives that ability to attract different buyers as far as what they can afford that being the flats and the single family. While towns can't restrict you on how much you can sell something for what you do is you design around that, you design for a smaller product where our flats are from 1,100 to 1,300 square feet and our single family homes here are 2000 to 2,400 square feet thereabouts and the townhouse will be right in between 1,800 square feet. What we do is singles and townhouses I'm not going to bore you, it's two car garage, typically you have one car and use the other one for storage, these units would not have basements. Some of the things that we do is in the design the cabinets we put them lower so you don't have to reach much higher, we do a bunch of different things to attract the emptynester.

MR. PETRO: Let me interrupt you for a second. There's no way in the world that you're going to build these units and sell them for \$200,000.

MR. FORGIONE: No, sir but the flats, the condos would be \$200,000 range.

MR. PETRO: Maybe 299, I don't know about 200. The lot has got to be 50,000, you have 75,000 each in infrastructure, then you have to build the unit. I'm sure you want to make money, I just don't see it happening. But that's not for me to decide. I'm just watching as you're talking hearing how that's going to be and I can just tell you it won't happen, not in that level \$200,000, you said somebody had \$400,000.

MR. FORGIONE: Just making, I can't imagine that the flats will sell, we think that the market here is two, two and a quarter a foot, okay, and you have 1,000

square feet, it's 225,000 thereabouts. Obviously, there's upgrades and options but that's the individual buyer's preference. This would be a typical, this is, we see again the buyer buying a flat aside from affordability it's not just geared towards affordability, buyers that want to buy the condominium look at this as more of a secure building, it's card key access, I won't bore you, but those are the kinds of things we do this, we do this, we have 500 units under construction of this type in New Jersey alone.

MR. PETRO: Okay, I still, you know, I'm going to repeat myself, you probably disagree with me, this still seems to be backwards. I think you should go to the Town Board and get a feel for what they think, if they want this in that area because right now, I'm looking at something that's not zoned for that area. I don't want to spend a lot of time on it. I've seen a lot of these that have never gone anywhere, you're not the first, there's plenty. Why don't you go to the Town Board, make your pitch, if you like it you get the zoning done properly then we'll take a look at it. Why is the planning board looking at something that's not zoned for that. I'm saying you're saying it could be and that's true it could be.

MR. FORGIONE: We're following directions, we were told to come here, get some feedback, I think that you and I when we spoke in the hallway your biggest concern was affordability.

MR. PETRO: That and the density, also the density at 3.4 you said?

MR. FORGIONE: 3.2.

MR. PETRO: We've had senior housing come in where they have 14 units an acre to make it profitable so I think that's absolutely outrageous.

MR. FORGIONE: Sir, what happens is the reason for that is the singles take up a lot of area, that's why the density is down that low.

MR. ARGENIO: That's a good thing.

MR. FORGIONE: And again I think I really think it's individual and it's important to the, to a project cause you're trying to build a lifestyle here, you have eight to 10,000 square foot community center, you know, a pool, bocci courts, you know, and again no basements kind of thing.

MR. PETRO: Let me ask you this, how many units?

MR. FORGIONE: Total is 265.

MR. PETRO: All right, see your road going in off Mt. Airy, first of all, you should probably have another access point at someplace, there's too many units off the one road, the worst case scenario would be that it would need to be a boulevard, you have to make a boulevard effect.

MR. FORGIONE: Yes.

MR. SARCHINO: We continue that all the way through.

MR. PETRO: Divide it so you really have two roads because from the first T down to Mt. Airy if you have a car fire and an ambulance has to come in, you have a serious problem. But I would also look at a point on Mt. Airy up where the retention pond is you buy one, take it down and make a new road because I think that's an awful lot of units to come off one spur, that's just a planning board point. Again three, four retention ponds?

MR. SARCHINO: Yeah, that's what the planning, you know, and we're doing preliminary engineering, looks

like just the way that the topo is kind of dips down here, ditches down here and here.

MR. PETRO: Remember that movie Holes, you know, Holes, ever see that? That's what New Windsor is going to be with these retention ponds, holes, every one has got to be fenced, maintained.

MR. SARCHINO: Unfortunately, it's mandated by the state you just heard earlier tonight.

MR. PETRO: I know this isn't as bad as a one acre commercial site and you have to put a retention pond, that's brilliance for you.

MR. FORGIONE: The other reason for the density being low we don't particularly like the townhouse, we don't like to build more than four units per building, just becomes row housing, you have the opportunity to get more end units.

MR. PETRO: I don't want to spend too much more time. I know you came here, listen, I go by zoning here, if it's zoned for the use that you're here for we look at it, we review it, we don't normally say yes or no, we say how. Go to the Town Board, let them look at it, that's what they want, I'll review it. If they don't want it, then it's nice seeing you.

MR. FORGIONE: Can I leave by asking I think you're okay with the density?

MR. PETRO: I think the density is fine, yeah, 3.2 for that size of an area you couldn't want much better than that, I think that's fine for your type of project, that's the lowest I've ever heard, frankly.

MR. FORGIONE: I know they're working on the new ordinance and they're considering different housing.

MR. PETRO: Well, the single family we looked behind Hudson Street, it didn't work down there, something in the ordinance that didn't work so it didn't fly.

MR. FORGIONE: Singles?

MR. PETRO: Single-family houses in the senior project.

MR. FORGIONE: It's fine, the project that we're doing in New Jersey and all the other competition within the area everyone tries to build as many single family homes on a less amount of property.

MR. PETRO: How are you going to build a single-family home in that project? What would the median price be for that?

MR. FORGIONE: Two and a quarter to 235 per square foot.

MR. PETRO: For a unit? That's not going to mean anything to people.

MR. FORGIONE: 400,000.

MR. PETRO: Seniors are going to sell their house and go there to live for \$400,000? I'd like to see that. Listen, that's not planning board information, that's just my business sense.

MR. KRAHULIK: We're here to share our concept with you, the adoption of the zoning legislation, a consensus of everybody in the Town we want you to understand what our goal is, so if you're asked to comment, you have an understanding of what we're trying to achieve.

MR. PETRO: Clubhouse and other amenities?

MR. FORGIONE: Yes, here's the clubhouse, pool, we

would add walking paths, bocci courts throughout the community,

MR. PETRO: Okay, listen, there's a lot of people looking for this type of product, there's no question about it, again, you're in really in the wrong place making the pitch, we appreciate seeing it, it's very nice, looks very professional, very nice. You need to go where you have to go to secure the zoning. There's also a water moratorium in place so we would while this board would review your project while the water moratorium is in place, the plans could not be signed and also cannot go to the Department of Health because Supervisor whoever it is could not sign it until the water moratorium is lifted. So you'd be moving at a very slow pace and I don't know if it's ever going to be lifted so who knows.

MR. FORGIONE: You said in another project the single family product did not work in an age restricted market?

MR. PETRO: Mark?

MR. EDSALL: That one was entirely stand alone single family and they actually were proposing zero lot lines and it was a different approach than what you're suggesting.

MR. FORGIONE: Okay, what we did, sir, we were asked to provide the Town with an ordinance that we're currently following in New Jersey and one of the biggest issues, not issue I guess hurdle is the fact that the different product types are you totally against the different product types or do you think it's important?

MR. PETRO: I don't think that the board would be against it.

MR. ARGENIO: I'm not against it at all, not at all.



September 28, 2005

56

MR. FORGIONE: Thank you for your time, sir.

BCM\_SITE\_PLAN

---

Mr. Gerald Bergman appeared before the board for this proposal.

MR. BERGMAN: Gerald Bergman, I'm an engineer with Eustance and Horowitz Engineering, representing BCM Development. We're proposing a 200 approximately 250 unit age restricted senior development on Mr. Airy Road and Bethlehem Road presently occupied by the Par 3 Golf Course New Windsor parcel.

MR. PETRO: How many units?

MR. BERGMAN: Approximately, 250 attached units. The project is in an R-1 district which does allow attached senior housing under the R-5 regulations for senior housing.

MR. PETRO: Let me hold you up there with Town Board approval so it's not allowed, it's not a permitted use, it's a special use that's going to be designated by the planning board, it's exactly what I told the prior applicant and again we're looking at something that does not have the proper use at this time but we'll indulge it for a while.

MR. BERGMAN: Everything is attached units, all the same type of units. We've got approximately 60 acres, about ten acres of which is wetlands, probably another five acres occupied by an existing building and some steep slopes which gives us roughly 45 acres of usable property and if we were allowed to submit under the R-5 zoning by the Town Board that would be under the 6 units per acre that they presently allow.

MR. PETRO: What would your density be?

MR. BERGMAN: About 5 1/2 usable property not on the whole 60.

MR. PETRO: Well--

MR. BERGMAN: I subtracted all the wetlands, I have subtracted the steep slopes and so on and so forth.

MR. ARGENIO: Steep slopes you subtracted?

MR. BERGMAN: Yes.

MR. PETRO: So the density might be down to about four?

MR. BERGMAN: Could be. The unique thing about this project is we plan to retain the golf course, 9 hole golf course, the golf course as shown on this plan presently is going to be redesigned to basically go around the project, the houses will be in the middle and if you know the property, it's on a higher plateau in the center, the wetlands will snake through the wetlands and around the perimeter of the site. The residents will be given an opportunity to play on that golf course of course in addition we'll have clubhouse, pool and so on and so forth. The average size of the units would be in the vicinity of approximately 1,300 square feet, we propose a minimum of two parking places per unit.

MR. PETRO: I think that might be insufficient, I guess you're allowed one in the garage and I think it's what about 2.5 now Mark?

MR. EDSALL: 2 1/2 minimum.

MR. BERGMAN: Obviously we'll meet the two.

MR. PETRO: We have been requiring more than that because it's a huge problem in any of the developments when you have people over to visit, you have to have overflow parking because it just doesn't work. And I think the biggest reason is the code allowing the one

parking spot in the garage which is to me a silly thing.

MR. CIALELLA: I'm Tony Cialella with BCM and I believe the parking under the buildings will be a little bit greater than one, it will be like 1.3, it's still it's not two under the building but it will still be better than the one.

MR. PETRO: You're going to have to do a lot better than that because we're looking for serious parking.

MR. BERGMAN: That's just the garage units would be greater than one parking space in the garage.

MR. PETRO: I'm curious as to why your density could be down to around 4 and prior one was 3.2 yet Mark we have heard so many times that they need 14 people tell me they need 14 per acre to make it feasible to put up housing, what's the median cost of your house?

MR. CIALELLA: 300 they're going to be.

MR. PETRO: Sell a unit for 300?

MR. CIALELLA: Correct, they're going to be 1,300 average probably 1,350 square feet at 300,000.

MR. PETRO: You're going to have the amenities of the other ones?

MR. CIALELLA: Correct, clubhouse, there's a pool, other recreation amenities that the people in these communities are looking for and the golf course of course.

MR. PETRO: Well, these communities seems that they would want to be closer to denser areas such as Vails Gate or other areas because the seniors, lots don't have cars, this would be something that the Town Board

may consider. I'm just giving you a heads up that some of these senior housing projects that are on the outlying areas of Town even though this isn't way out they like them a little bit closer to the facilities like shopping centers, convenient store, something like that. But you're going to have, this golf course is going to be available to all so you may have some other nice amenities that other ones may not have.

MR. ARGENIO: Golf course is a nice touch.

MR. CIALELLA: We did look at single family homes lesser density obviously single family homes and you can trade that off because you can get a greater price because you can build a bigger home like Mr. Forgione stated but the owner of the property was pushing us to do more of a townhouse.

MR. PETRO: How would you get sewer capacity here, where would you connect into it?

MR. BERGMAN: The property is made up of two parcels, neither of which is in the sewer district, one of the parcels is presently in the water district, we're aware that the water moratorium would apply for either sewer district extension or out of district user status when we get to that point.

MR. PETRO: Under the water moratorium you can't apply for an outside user permit, it's against the law, so the whole thing would have to be lifted and/or changed.

MR. BERGMAN: One of the parcels is presently--

MR. PETRO: That one looks like there's building on both parcels, not going to help you.

MR. BERGMAN: Matter of fact, the housing is in the parcel that's in the water district.

MR. PETRO: What's the line through the center?

MR. BERGMAN: Property line.

MR. PETRO: So where do the other, where are the other buildings and other property?

MR. CIALELLA: Clubhouse.

MR. PETRO: Going to put water in the clubhouse or just leave it dry? Sewer capacity?

MR. BERGMAN: Well, we're not in the sewer district so that would have to be applied for.

MR. PETRO: Okay, all right, again, we're way ahead of ourselves, just trying to give you some heads up on certain items. I can't see the roads. Do you have a different plan or is there something there?

MR. CIALELLA: The roads come in up here and loop around, this is a boulevard, this is designed as a boulevard.

MR. BERGMAN: Loops on itself, cul-de-sac comes in for the clubhouse.

MR. PETRO: I think the water line should also be looked at even if you put it in dry for now, it's a long way off, I don't know what you're planning on doing but I guess the boulevard there would work.

MR. GALLAGHER: Is that the same road that's at the course now?

MR. CIALELLA: Yes, that's the entrance as it is today.

MR. PETRO: All right, anything else? Any members have anything else because again you have to go to the Town Board, you're going to have to have your zoning in

place for us to really look at this seriously.

MR. BERGMAN: Do we have to have an application to you before we go to the Town Board?

MR. PETRO: No. He's asking me if you have approval whatever he has there he will remove and this is what you're going to do there ultimately right?

MR. ALVA: Excuse me?

MR. ARGENIO: Soccer dome working over there or approval for the soccer dome?

MR. ALVA: I'm using the one I have at Stewart Airport and I have approvals for the one here at the airport and the foundation is in.

MR. ARGENIO: You're putting it up?

MR. ALVA: Oh, yes.

MR. PETRO: Is that shown on the plan or been removed?

MR. BERGMAN: It's shown on the plan.

MR. CIALELLA: That would remain.

MR. MINUTA: There will be ample parking for that as well?

MR. BERGMAN: Parking is separate.

MR. CIALELLA: That conforms to the approved site plan for that particular building.

MR. PETRO: How else can we help you?

MR. CIALELLA: Again, this was just a concept that we wanted to run passed you to get your, if it's okay,

then we'll go to the Town Board.

MR. MINUTA: What kind of finished materials on the buildings?

MR. CIALELLA: This is the project we're, I shouldn't say that's a different look but that's kind of the look that we're looking to provide, brick, stucco, natural, you know, could be brick or stone,

MR. BERGMAN: Masonry.

MR. MINUTA: Not looking at vinyl?

MR. CIALELLA: No, if anything on this type of maintenance issue it would be either stucco or a hardy plank, some sort of plank board.

MR. PETRO: Joe, I don't want to knock your line of questioning you're probably three years ahead of yourself.

MR. ARGENIO: Certainly a point of issue but--

MR. PETRO: I didn't see any dumpster enclosures on the map either.

MR. ARGENIO: You're four years ahead of yourself.

MR. PETRO: Just trying to give him some heads up, vinyl siding or brick, that's really out there.

MR. MINUTA: Comes down to the price.

MR. PETRO: Dumpster enclosures?

MR. CIALELLA: They're not on the plan.

MR. BERGMAN: We're well aware.



MR. PETRO: Can't use garbage pails. Six inch gutters, a lot of the curbing has to go through driveways, can't break at the driveway and bring out the blacktop, there's a lot of little things so we can get to that, why don't you get the zoning in place and we'll look at it again. Thank you.

MR. ALVA: I just wanted to tell one thing, the reason why I didn't allow single family when I was looking for a developer because I wanted to keep the open land, I live there, I wanted it to be dense in the middle and keep the open land, I just wanted the condos that would be affordable, 300 was a little bit of a shock, I thought it was going to be two and a quarter to 300 but my whole thing was I looked at transferring development rights to the Town so it can never be built on again, a land trust. I talked to Bill Steidle. The only thing that I can do that you can do this and keep it open and still run the golf course not worry about it is to, so for, I'm actually going to put it in as part of the condo association so that it can never be built on, that's just what I wanted to let you know is that that will always be open around it forever and that's what it takes, that why I didn't let them build single-family houses, I wasn't trying to lose what I had try to take care of my kids and keep everything for forever.

MR. PETRO: Thank you.

CORRESPONDENCE

---

RANJIV\_SALLY\_(05-04)

---

MR. PETRO: Correspondence, Ranjiv Sally, request for extension of conditional approval, Tectonic Design Consultants, Inc., Ranjif Sally, Union Avenue. At this time, we're requesting one 90 day extension on the conditional final approval which was granted in March, 2005 for the above-referenced project. Mark, one 90, why don't we make it 180?

MR. EDSALL: Might as well give them the two 90's and they'd begin when the original 180 days--

MR. ARGENIO: I'll make that motion.

MR. GALLAGHER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant 180 days to Ranjiv Sally subdivision on County Road 69. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

AMERADA\_HESS\_SITE\_PLAN

---

MR. EDSALL: They were at the workshop and they have shown me a plan that addresses all the necessary corrections so that they could go ahead with a public hearing. I knew your agenda was very long, so I suggested they request the public hearing by letter, I think they're ready.

MR. PETRO: Public hearing for here?

MR. EDSALL: For the planning board, yes.

MR. ARGENIO: Corner of 32 and Union Avenue?

MR. EDSALL: Yes.

MR. PETRO: Didn't they just have a public hearing at zoning?

MR. EDSALL: They want to have a public hearing here.

MR. PETRO: Okay and he wants to schedule it before they come back.

MR. EDSALL: They'd request that you authorize it then they can schedule the date with Myra.

MR. PETRO: Let me read the letter for a second. We can schedule it and he's, well, just--

MR. EDSALL: The reason Mr. Chairman just so we're clear is that the use is a special permit use even though they're continuing the same use, their attorney would like to have a special permit in Hess' name so they want to be cautious and have a special permit public hearing.

MR. PETRO: I understand that but why don't we look at it.

MR. EDSALL: You have looked at it before.

MR. PETRO: Nothing's changed since zoning?

MR. EDSALL: They have moved the building to accommodate a change that the ZBA required that they make to provide some additional room to the east but--

MR. MINUTA: Mark, didn't they modify the building of 7 feet on that building, change the plan?

MR. EDSALL: But it's substantially the same plan.

MR. PETRO: They made a shorter building so they didn't need the rear yard setback. But if we schedule a public hearing then Joe the thing that you gave me tonight the architectural review that you were going to do was going to not be even looked at.

MR. MINUTA: Well, I'd like to see something there cause it's for review, I think it's fitting to the, what the community is being developed in that section that corner I'd like to see at least addressed.

MR. PETRO: We'll have Myra forward that to them.

MR. ARGENIO: I agree with Joe.

MR. PETRO: See if they can implement it on the plan.

MR. MINUTA: I worked for BP previously, all these are stock plans so they have these, they can pick and choose which ones they want.

MR. ARGENIO: They probably have two different grades of facades that they apply to different buildings, Joe, I agree with you. I think we should give that to them.

MR. PETRO: Take care of that and forward it.

MS. MASON: Yes.

MR. PETRO: All right, motion to schedule a public hearing for Amerada Hess.

MR. ARGENIO: I'll make that motion.

MR. GALLAGHER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board schedule a public hearing for Amerada Hess site plan on Union Avenue and 32. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

PLUM\_POINT

---

MR. EDSALL: Two items, one Plum Point, I just wanted to share with you a memo that I had written to the board members just addressing the status on the various improvements on the site, don't really need to go over it now, just wanted to let you know that Mike and I are monitoring the progress. There were some elevation inaccuracies as it may be and they had to address those in the field but the plan is in substantial compliance with what was--

MR. ARGENIO: So they're doing something relatively close to what we discussed at that night at length?

MR. EDSALL: Very close, matter or fact, in some cases where this board agreed that what was on the landscaping plan wasn't absolutely necessary they went ahead and did some things anyway.

MR. ARGENIO: How the the people reacting?

MR. EDSALL: Some positive, some negative. The one gentleman who evidently did serious damage to one of his alloy wheels on his brand new vehicle is obviously one of the negative people because he doesn't like the triangular outcroppings for the tree plantings.

GROVE\_CONDOMINIUMS

---

MR. PETRO: What's the second thing?

MR. EDSALL: Second item just to let you know that we have been requested by the applicant for the Grove Condominiums to issue another notice about the public hearing, make sure that there was full notice of the continuation of the public hearing and we have also made it clear in that notice that it is not only a continuation of the site plan public hearing but as well it's a public hearing for the special permit so that notice is going out at the request of the--

MR. PETRO: October 12 meeting?

MR. EDSALL: Yes so--

MR. EDSALL: So that notice is going out at the applicant's request.

RPA

---

MR. PETRO: One thing I want to talk about is the RPA down at the corner with that landscaping that they have taken forever to do, that I want you to know that so it's very possible that the C.O.'s are not going to be issued.

MR. ARGENIO: How long, you say they have taken forever, how long has that been outstanding?

MR. PETRO: Landscaping and the clubhouse, the clubhouse to me is outrageous.

MR. ARGENIO: Clubhouse is under your skin.

MR. PETRO: I did a site visit there two years ago and they had to put an elevator in. In the meantime, they built the entire commercial building, it has gone from dirt to where it's going to be rented next week.

MR. MINUTA: They have changed the grade, increased the height, got the variance all that but they can't finish the clubhouse and can't finish the landscaping.

MR. ARGENIO: Jim, I think that we should, we have been talking about that intersection from day one when they first showed up here years ago and said the position has always, always been it's got to be right, it's going to be aesthetically pleasing focal point in the downtown Town of New Windsor, I don't think we have deviated from that spirit even with tonight's discussion.

MR. MINUTA: I don't think, I think they're trying to address it, I don't think they're addressing it in a proper manner. I don't think they're giving us enough on the plan to evaluate this is what it's going to be, this is what it's going to look like, they're addressing grade issues, pragmatic issues but they're



September 28, 2005

72

not addressing the aesthetic directly and that needs to be addressed.

MR. PETRO: That's why we left it open, if we don't like it, we're, they're going to continue. Motion to adjourn?

MR. MINUTA: So moved.

MR. ARGENIO: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. MINUTA	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer